

5389
13450 N. Stemmons



ORDINANCE NO. 3062

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT-INTERIM USE WITH SPECIAL CONDITIONS TO ALLOW MOTOR VEHICLE REPAIR, PARTS INSTALLATION OR A COMMERCIAL PARKING GARAGE ON A PORTION OF AN APPROXIMATELY 2.3401 ACRE TRACT OF LAND LOCATED WITHIN PLANNED DEVELOPMENT NO. 70 "OLD FARMERS BRANCH - FREEWAY SUBDISTRICT" (PD-70-OFB-FW) ZONING DISTRICT; AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND GENERALLY LOCATED AT 13450 NORTH STEMMONS FREEWAY, SUITE 100; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A THIS ORDINANCE TO CONTROL IN EVENT OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit - Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use is consistent with existing uses of adjacent and nearby Property;
2. The proposed use is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;

3. The proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;
4. The proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;
5. The applicant has proposed to make an investment of up to \$250,000.00 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within eight (8) years from the effective date of said permit and this Ordinance; and
6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit - Interim Use created hereby; and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use with special conditions for Motor Vehicle Parts Installation, or a Commercial Garage for property zoned Planned Development No. 70 "Old Farmers Branch - Freeway Subdistrict" (PD-70-OFB-FW) Zoning District, with respect to an approximately 11,000 square foot portion of the building located on 2.3401 acre tract of land more particularly described and depicted in Exhibit "A," attached hereto and incorporated herein for all purposes ("the Property"), the Property being more generally known as and located at 13450 North Stemmons, Suite 100, Farmers Branch, Texas.

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 70 "Old Farmers Branch - Freeway Subdistrict" (PD-70-OFB-FW) zoning district as well as the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan attached as Exhibit "B", which is hereby approved;
- B. Prior to issuance of any Certificate of Occupancy for use of the Property as authorized by Section 1 of this Specific Use Permit-Interim Use, a Landscape Plan

that complies with the minimum landscaping requirements for the PD-70-OFB-FW Zoning District must be submitted to and approved by City Staff, and all landscaping shown on the approved Landscape Plan must be planted and/or installed.

- C. No vehicles or other equipment under repair or modification shall be kept, parked, or otherwise stored on the exterior of the building; provided, however, vehicles may be parked in designated parking areas outside the building while awaiting modification work to commence or upon completion of such modification work and while pending pick up from customers or owners.
- D. No outdoor storage of any personal property shall be permitted.
- E. No body work not relating to or resulting in customization and/or addition of vehicle accessories, painting of vehicles, or repairing of vehicle engines, shall occur on the Property.
- F. No work on motor vehicles shall occur on the exterior of any building on the Property.
- G. Wall signs shall not exceed 200 square feet for the Property.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate

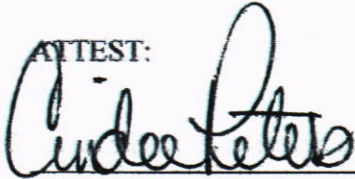
offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

SECTION 9. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate on eight (8) years from the effective date of this Ordinance.

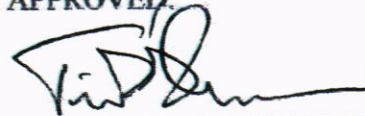
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 3rd DAY OF NOVEMBER, 2009.

ATTEST:




Cindee Peters, City Secretary

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:

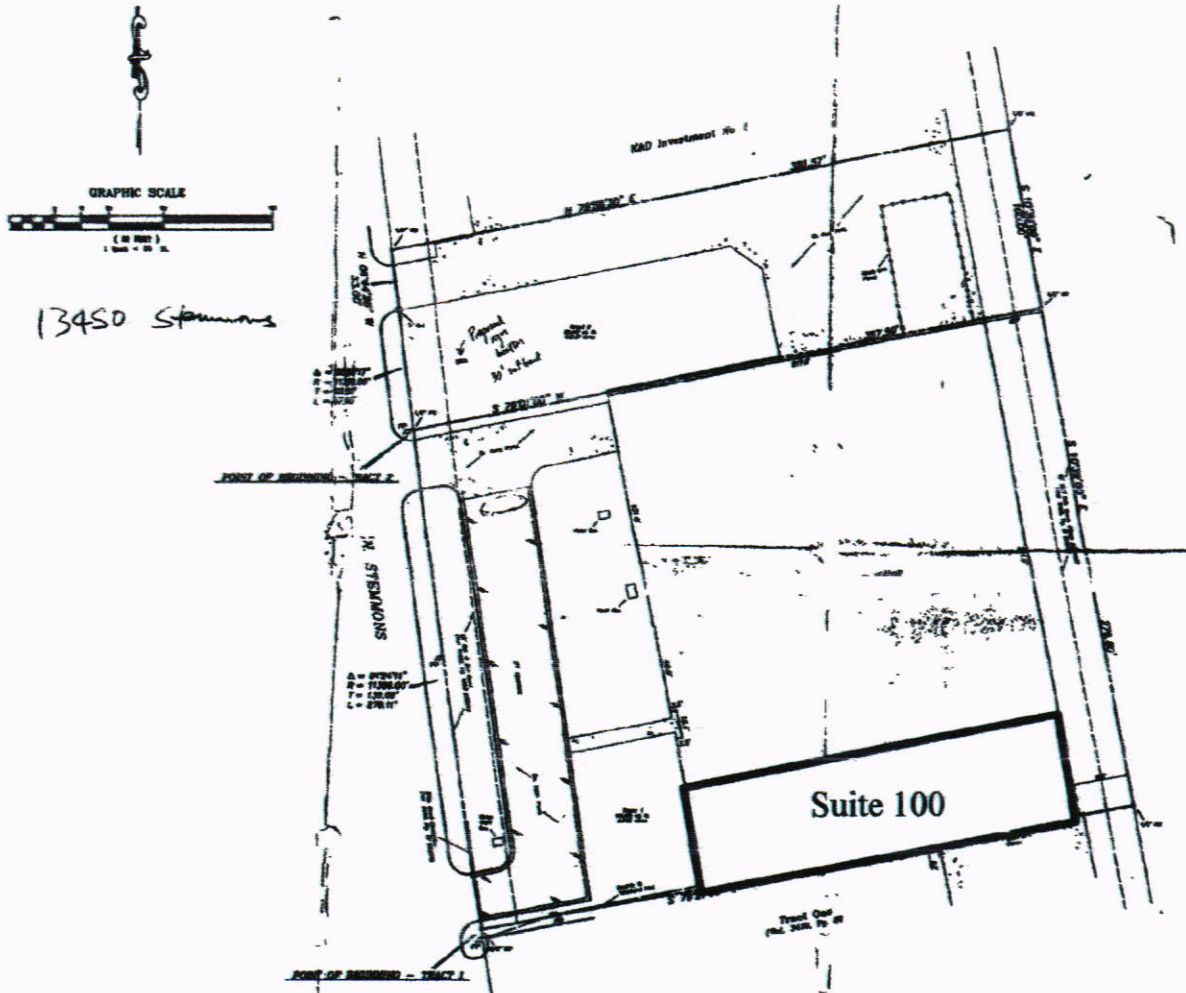


Peter G. Smith, City Attorney

Ordinance No. 3062
EXHIBIT "A" Legal Description
Metes and Bounds

An approximately 2.3401 acre tract of land out of the Thomas Keenan Survey, Abstract No. 733, Dallas County, Texas, and being more particularly described by metes and bounds in that certain Special Warranty Deed dated March 15, 2002, from Vincent J. Stagliano, et.ux. to Ralston Valley View, Ltd., recorded as Volume 2002057, Page 494, Official Public Records, Dallas County, Texas.

Ordinance No. 3062
EXHIBIT "A" Legal Description
Survey Depicting "Suite 100" Location



KAD Investment No. 1

N 04°42'28" E 33.00'

S 72°10'00" W 87.00'

S 79°21'00" W 32.10'

STEAMERS

Sery Building

Suite 100

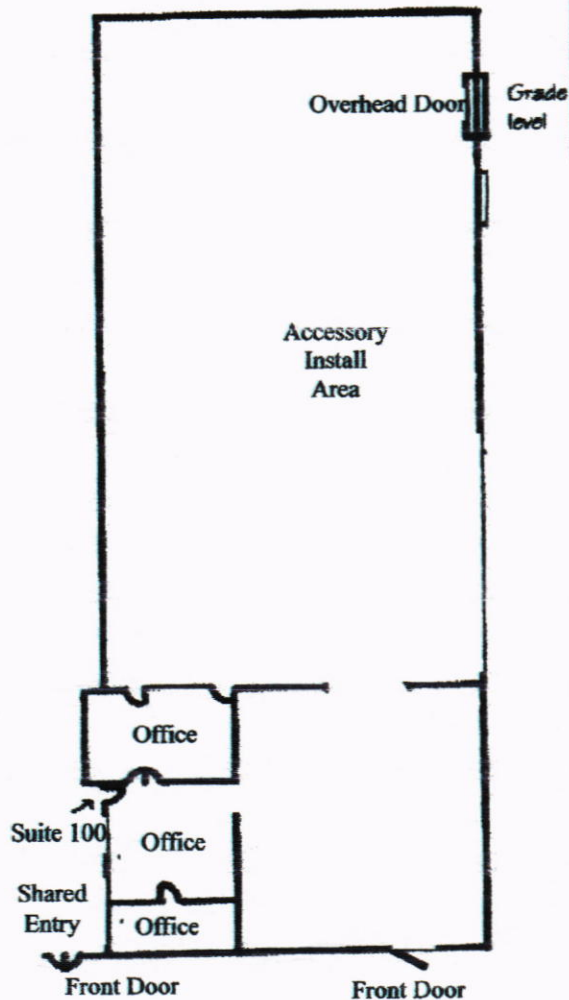
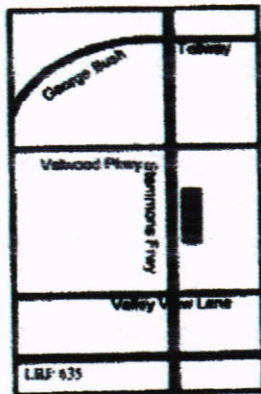
Proposed sign location 30' setback

Treat One

Ordinance No. 3062
EXHIBIT "B" Site Plan (Floor Plan for Truck Toys)

13450 N. Stemmons Freeway
Suite 100
Dallas, Texas
11,000 SF ±

- Office approx. 1,200 SF
- Whse approx. 9,800 SF
- 11,000 SF ±
- 1 grade level
- Sprinklered
- 18' clear height
- 15 parking spaces
- Awesome signage
- Freeway frontage
- Excellent access to I-35



Alan Clark, CCIM
972-991-1330



No warranty or representation, expressed or implied, is made as to the accuracy of information contained here in and same is submitted subject to errors, omissions, change of price or other conditions. Dimensions shown on drawing are approximate. Tenant should verify measurements if and where room dimensions are critical.

204 S.F.

526 S.F. 403 S.F.

1985 S.F.

8117 S.F. 37 Parking Spaces

72 S.F.

1482 S.F.

873 S.F.

Proposed Concrete Addition

14' up to Building Floor Level

Electric Room